

REMARKS

The application included claims 1-40 prior to entering this response.

Claims 1-14, 23-32, 38, and 39 are allowed.

Claims 15-22 and 33-37 were rejected.

No claims are amended herein.

The application remains with claims 1-40 after entering this response.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 15-22 and 33-37 under 35 U.S.C. § 103(a) over Barker *et al.* (U.S. Patent 6,646,765), in view of Sasabe *et al.* (U.S. Patent 3,928,719).

The rejection is traversed. Previously presented claim 15 recites a method, comprising:

- scanning a first document;
- storing said first document into a memory;
- receiving a starting signal;
- displaying said first document;
- scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and
- displaying a scanning status of said next document while said first document is being displayed.

The Examiner acknowledged that Barker fails to disclose *scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and displaying a scanning status of said next document while said first document is being displayed*, as recited by claim 15. Instead, the Examiner alleges that Sasabe discloses these features.

However, as acknowledged by the Examiner at page 3, lines 9-11 of the January 2, 2008 Office Action, Sasabe also does not teach “that the next document is scanned substantially concurrently with a displaying of the first document.” Since, as acknowledged by the Examiner, neither Barker nor Sasabe alone or in combination disclose all the features of claim 15, Applicant respectfully submits that a rejection of claim 15 based on this combination is improper.

In rejecting claim 15, the Examiner identified the film 85 of Sasabe as disclosing the next document of claim 15, and an image obtained through the scanning of the film 85 as disclosing the first document (page 4, lines 6-9 of the December 5, 2008 Office Action). Applicant

respectfully submits that interpreting the film 85 as both a first document and a next document would be contrary to general rules of claim construction that two claim elements are to be construed as separate or different elements, unless otherwise indicated. Such an interpretation suggested by the Examiner ignores the plain meaning of the modifiers “first” and “next” as recited in the claim. Furthermore, such an interpretation of Sasabe contradicts the Examiner’s earlier position that Sasabe fails to teach “that the next document is scanned substantially concurrently with a displaying of the first document” (page 3, lines 9-11 of the January 2, 2008 Office Action).

In rejecting claim 17, the Examiner states that “said transmission device (sheet-feed device of scanner 12 of fig 1) is selected from the group consisting of positive photograph holder, negative photograph holder, and an ADF” (top of page 4 through page 5 of the December 5, 2008 Office Action). Applicant believes this basis of rejection was inadvertently copied over from a prior Office Action, as it fails to address the recited features of previously presented claim 17, namely: *displaying said next document in place of said first document*. In contrast, Sasabe discloses that the image of the film 85 is displayed on the device 81 while it is being scanned.

In rejecting claim 20, the Examiner states that the “read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user” (page 5, third full paragraph of the December 5, 2008 Office Action). Applicant respectfully submits that such a display identifying only generally “certain textual messages” fails to teach one skilled in the art the features recited by claim 20, namely *wherein said next document is not displayed unless a second signal is received*. Such claim features are not obvious over Barker in view of Sasabe, and Applicant respectfully submits that the Examiner has failed to meet the burden of identifying a proper basis for rejecting claim 20.

Claim 33 recites, in part, *transmitting a next document substantially concurrently with the displaying of said first document, wherein said next document is capable of being scanned without being displayed*. The Examiner appears to acknowledge that Barker fails to disclose these features (page 6, second full paragraph of the December 5, 2008 Office Action), and instead suggests that Sasabe discloses these features. Applicant respectfully disagrees for similar reasons as provided above with respect to claim 15.

As claims 16-22 and 34-37 depend from claim 15 or 33, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features

recited respectively therein. Accordingly, withdrawal of the rejection of claims 15-22 and 33-37 is respectfully requested.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests reconsideration and allowance of claims 1-40. The Examiner is encouraged to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

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A handwritten signature in cursive script, reading "Bryan D. Kirkpatrick". The signature is written in dark ink and is positioned above a horizontal line.

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